



#16/Response
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Hayes

PATENT
Attorney Docket No. 71538

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: James J. Fitzgibbon)
Colin B. Willmott)
Appln. No. 09/387,659)
Filed: August 31, 1999)
Title: GARAGE DOOR)
OPERATOR SAFETY)
EQUIPMENT)
Group)
Art Unit: 2837)
Examiner: Jonathan Salata)

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents and Trademarks, Washington, D.C. 20231, on this date.

10/25/2001
Date

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Hon. Commissioner of Patents and Trademarks
Attn. Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO OFFICE ACTION

Sir:

This Response is being filed in response to the Office Action dated April 25, 2000, received in the above-captioned application.

REMARKS

Claims 15-18 are pending in the above-captioned application. In the April 25, 2001 Office Action, claims 15 and 18 were rejected under 35 U.S.C. §101 based on "same invention" type double patenting for claiming the same invention as that of claims 16-22 of prior U.S. Patent No. 5,998,950 (the '950 patent).

Although the Office Action notes that Applicant's arguments filed April 16, 2001 have been fully considered and found not persuasive, Applicants note that the Examiner has not retained the prior double patenting rejection based on U.S. Patent No. 5,684,372, and has instead relied upon a new grounds for rejection based on the '950 patent.